A 1475 b 41

STATE
OF THE
CASE,
BETWEEN THE
MANAGERS
OF THE
Royal Family Privateers,
AND
JAMES GODDARD.
PARTICULARLY

In Relation to a Libel by him lately publiſhed, and ſent to ſeveral Members of Parliament, in *January*, 1756, highly reflecting on the Conduct and Characters of *Iſrael Jalabert*, and *William Belchier*, Eſquires, and the reſt of *the Managers*, and many other worthy Perſons therein named or deſcribed.

LONDON:

Printed for H. KENT, in *Finch-lane*, near the *Royal Exchange*; and ſold by M. COOPER, at the *Globe* in *Pater-noſter-Row*. 1756.

STATE

OF THE

CASE,

A STATE of the CASE,

BETWEEN THE

MANAGERS

OF THE

Royal Family Privateers,

AND

JAMES GODDARD, &c.

IT is neceſſary, under the extraordinary Circumſtances of this Caſe, to ſtate many Facts, without which the Behaviour of Mr. *James Goddard* cannot be ſeen in a true Light.

1746. In the late War, Mr. *Belchier*, with other Merchants, fitted out a Fleet of Privateers, which have been commonly called the *Royal Family Privateers*, and entered into Articles with the Officers and Sailors, who were to ſerve on board the ſame,

whereby it was agreed that they ſhould have one Moiety of all Prizes which ſhould be taken, in Lieu of Wages, to be divided between them, in the Shares ſtipulated by the Articles; and they appointed Mr. *Henry Caſamaijor*, of the City of *Briſtol*, to be their general Agent, being deſirous of receiving their Prize-Money at *Briſtol*.

In or about *April*, 1746, the Ships departed on a Cruize for eight Months, and took ſeveral Prizes, which they carried into *Liſbon*, and the eight Months being near expired, an Agreement was made at *Liſbon* for a ſecond Cruize, on the ſame Terms as the firſt, in which ſecond Cruize ſeveral other Prizes were alſo taken, and carried into *Liſbon*, and after Condemnation, ſome of the Prizes were diſpoſed of there; others were brought to *England*, and one of them, called *La Ninfa*, was wreck'd in her Paſſage from *Liſbon* to *London*.

After *the Managers* had ſold great Part of the Prizes, and whilſt they were proceeding to get in the Inſurances they had made on the *Ninfa*, were ſettling with their Brokers, and endeavouring to make up their Accounts of the Produce of all the Prizes, in order to divide the ſame according to their Agreement; Mr. *Goddard*, a *Stranger* to the Adventure, and no ways *intereſted* therein,

in, publiſhed ſeveral Advertiſements in the publick News Papers, inſinuating that he had diſcovered great Frauds in the Managers Accounts of the Prizes, to the Prejudice of the Sailors, *though at that Time no Account had been made out.*

The View Mr. *Goddard* had in publiſhing ſuch falſe Advertiſements, was to perſuade the Sailors to make him their general Agent, for the Purpoſe of intitling him to a Commiſſion of *Five per Cent.* on the Prize-Money; but the Sailors having before appointed Mr. *Caſamaijor* their general Agent, and he having acted as ſuch long before Mr. *Goddard* had formed his Scheme, for *the Managers* advanced above *Twenty Thouſand Pounds*, in Part of the Sailors Shares of the Prizes, before they were ſold, that there might be no Pretence of keeping them out of their Money. The Managers therefore were obliged to refer Mr. *Goddard* to Mr. *Caſamaijor*, aſſuring him at the ſame Time, that it was equal to them who ſhould be Agent for the Sailors, and that he might have the full Inſpection of all their Books and Accounts.

Mr. *Goddard*, without any other Provocation, but the Diſappointment in loſing a Commiſſion of *Five per Cent.* which he had flattered himſelf with, declared he would make

make the Managers repent of their refuſing to receive him as general Agent for the Sailors.

He began the Proſecution of his Deſign, by cauſing a Bill in Chancery to be exhibited againſt them at his own Expence, in the Names of *Robert Sinclair* and *John Wilkinſon*, two Sailors, who had ſerved on board one of the Privateers, whereby he charged the Managers not only with concealing *Seventy Thouſand Pounds* of the Sailors Money, but alſo with a Variety of other Frauds and Impoſitions in their Accounts, although no Account could then be made out.

On the 2d of *May*, 1749, the Managers put in a full Anſwer to Mr. *Goddard*'s Bill, whereby they abſolutely denied all the Charges of Fraud, Concealment, and Impoſition, and ſubmitted to come to a general Account.

In *May*, 1750, the Managers compleated a final Account of the Prizes, which, together with all the Vouchers to verify the ſame, was peruſed, examined, approved, ſettled, and allowed by all the *Merchants*, who were Proprietors of the Ships, and one Moiety of the Prizes, and by all the *Captains* and *Officers*, who attended for that Purpoſe,

Purpoſe, and by Mr. *Caſamaijor*, as general Agent for the Sailors; and thereupon *the Managers* paid the Balance of the Sailors Moiety of the Produce of all the Prizes, deducting thereout what had been before paid them in Part, which was at leaſt Three Fourths thereof, to Mr. *Caſamaijor*, their general Agent, who immediately advertiſed the Dividend, and all the Sailors who had any thing to receive, except the ſaid *Sinclair* and *Wilkinſon*, and about ſeventeen or eighteen, who have either never been heard of, or never applied, came and received their Dividends, and executed general Releaſes; ſo that the *Managers* had no Reaſon to expect any further Trouble from Mr. *Goddard*, but they were deceived; for notwithſtanding the whole Account was ſettled, the Money paid to the Sailors, and Releaſes given as aforeſaid, Mr. *Goddard* continued to proceed againſt the Managers on his Bill in Chancery, at his own Expence, and without being intereſted to the Value of one Farthing in the Event of the Cauſe, and without having one Witneſs to prove a ſingle Allegation in his Bill.

Whilſt the *Managers* were thus harraſſed by Mr. *Goddard*, an extraordinary Event happened in the following Manner.

Timothy

Timothy Murphy, one of the Sailors, who ſerved in the Cruize, knowing that the before-mentioned *John Wilkinſon* was beyond Sea, and that Mr. *Noads*, as Mr. *Caſamaijor*'s Clerk, was paying ſome of the Sailors their Prize-Money, who deſired to receive it in *London*, forged *Wilkinſon*'s Will, and having prevailed on one *Thomas Williams*, to co-operate with him in defrauding *Noads* of as much Money as *Wilkinſon*'s Share amounted to, made the ſaid *Thomas Williams*, by the fictitious Name of *John Daunt*, Executor of the forged Will, and procured the ſame to be proved in common Form, in the prerogative Court of *Canterbury*, and then ſet it up as the Will of *Wilkinſon*, and thereupon *Daunt*, who pretended to be newly arrived from *Liſbon*, and *Murphy*, who pretended to be no otherwiſe concerned than as his Friend, applied to Mr. *Noads*, and demanded Payment of *Wilkinſon*'s Prize-Money, producing a Probate of the forged Will, under Seal of the Eccleſiaſtical Court. Mr. *Noads* having no Suſpicion of a Forgery, paid *Thirty-ſeven Pounds Twelve Shillings and Six-pence*, the Amount of *Wilkinſon*'s Share, to the ſuppoſed *John Daunt*, who gave a Diſcharge for the ſame, as his Executor. *

The *Managers* being informed of this Fact, concluded that Mr. *Goddard* was proceeding

* See a particular Account of this Affair in the printed Trial of *Murphy*.

ceeding againſt them in Chancery, in the Name of a dead Man, and therefore called on Mr. *Noads*, to make an Affidavit of his having paid *Wilkinſon*'s Share to *Daunt*, as before ſtated, to ſhew that *Wilkinſon*, one of the two Plaintiffs in Mr. *Goddard*'s Suit, was merely nominal, which *Noads* did; but Mr. *Goddard* notwithſtanding brought on the Cauſe to be heard, at his own Expence, without the leaſt Proof of any Fraud, or Concealment whatſoever, and without even having a Witneſs, as before obſerved; yet the *Managers*, to avoid all Imputation on their Conduct, ſubmitted to come to a general Account, which was decreed accordingly.

But though Mr. *Goddard* obtained this Decree, his View was intirely defeated, for the Sailors having received their Prize-Money, there was no Poſſibility of his raiſing a Commiſſion thereon of *Five per Cent.* for himſelf, he therefore deſerted the Decree in Chancery, to put in Practice a Scene of Villany hardly to be parallel'd, either in this or any other Country.

Soon after the Degree in Chancery was pronounced, the Forgery of *Wilkinſon*'s Will was diſcovered by *Wilkinſon*'s Return to *England*, which occaſioned Mr. *Noads* immediately to enquire after *Murphy* and

Daunt. *Murphy* he got apprehended, brought before a Magiſtrate, and charged him with the Forgery of *Wilkinſon*'s Will, and he was committed to the Priſon of the Poultry Compter in *London*, on the Oath of his Proſecutor Mr. *Noads*, but *Daunt*, alias *Williams*, could not be found.

Mr. *Goddard* inſtead of joining in the Proſecution of *Murphy*, in whoſe Hand the forged Will appeared to be wrote, immediately cauſed Mr. *Noads* to be indicted for *Perjury*, becauſe he ſwore in the beforementioned Affidavit, that he *believed Wilkinſon* was dead, which any Man in the like Circumſtances muſt have done with a good Conſcience, after having ſeen a Probate of his Will, without ſuſpecting any Fraud as before ſtated: but though Mr. *Goddard* knew there was not the Shadow of an Imputation of Perjury to be caſt on Mr. *Noads*, either from the Fact, or the Manner of alledging it in the Affidavit, he forced Mr. *Noads* to a Trial in the Court of King's-Bench, by a ſpecial Jury of Gentlemen, for wilful and corrupt Perjury, and when the Cauſe came on to be tried, he had not a Witneſs to verify the Indictment, ſo that Mr. *Noads* was acquitted; but Mr. *Goddard*'s Malice did not end here.

The

The next Step he took was an Attempt *upon the Life of Mr. Noads*, after having failed in that upon his Reputation. The Method he put in Practice was ſingular, he applied himſelf ſecretly to *Murphy*, whilſt he lay in Goal to be tried for the ſaid Forgery, and by Promiſes to ſave his Life, ſuborned the *Criminal* to accuſe his *Proſecutor* of the *identical* Fact for which he then ſtood committed. However extravagant this Action may appear, Mr. *Goddard* found Means to impoſe upon *two Aldermen* of the City of *London*, ſo far as to prevail on them to aſſiſt him in procuring the *Criminal* to indict his *Proſecutor*, and by that Means to bring Mr. *Noads* to be tried for *his Life* at the *Old Bailey*, for a Forgery, *by which no Man living could be defrauded but Noads himſelf*; for the forging *Wilkinſon*'s Will, who was alive, could not affect *Wilkinſon*.

Murphy was tried for the ſaid Forgery, and convicted on full Proof, received Sentence of Death, and was afterwards executed for the ſame. *This horrid Attempt of Mr.* Goddard *to free the Guilty by ſhedding the Blood of the Innocent*, appears at large, and fully proved, in the printed Trial, intitled, *The Trial of* Timothy Murphy, *at the Seſſions-Houſe in the* Old Bailey, *for Felony and Forgery, on* Saturday, January *the* 13*th*,

1753. Printed for *J. Hodges* at *London-Bridge.*

Mr. *Noads* was alſo tried, and acquitted with ſo much Honour, that a Copy of his Indictment was granted, which is never done but where the Proſecution appears to be malicious.

Though *Murphy* was convicted, *Goddard*'s Subornation detected, *Noads* acquitted, and a Copy of his Indictment granted, as before ſtated, Mr. *Goddard*'s Malice was in no wiſe abated; *he drew up a falſe Confeſſion for* Murphy *to ſign, whilſt he lay under Sentence of Death in Newgate*, and promiſed that if his Life could not be ſaved, he ſhould be decently buried, if he would ſign ſuch falſe Confeſſion; but *Murphy*, terrified by the Approach of Death, rejected the Propoſal, and made a true Confeſſion of the Whole, acknowledging the Juſtice of his Sentence, and deſcribing the artful Method Mr. *Goddard* put in Practice to ſuborn him *to ſwear falſely* againſt *Noads*, and alſo diſcloſing Mr. *Goddard*'s Attempt to obtain the falſe Confeſſion before mentioned, which he had ſent drawn up with his own Hand. An execrable Deſign to fix the Imputation of a Felony on *Noads*, of which he had been acquitted, and of which Mr. *Goddard knew* he was innocent!

Murphy's

Murphy's Confeſſion was made in Writing, and ſigned with his own Hand in the Preſence of two ſubſcribing Witneſſes, the Night, or ſome very ſhort Time before his Execution, and was ſent by himſelf to the then *Lord-Mayor of London*, as his laſt dying Confeſſion; and he likewiſe ſent to his *Lordſhip* the before mentioned falſe Confeſſion, wrote with Mr. *Goddard*'s own Hand, as a Voucher of *Murphy*'s Truth and Sincerity in the laſt Act of his Life; and *his Lordſhip* in Juſtice to the Publick, permitted the ſaid laſt dying Confeſſion to be printed at the End of *Murphy*'s Trial, publiſhed by *J. Hodges*.

Mr. *Noads* having been treated by Mr. *Goddard*, in the cruel and inhuman Manner before deſcribed, brought his Action at Law againſt him, for a malicious Proſecution, without any probable Cauſe, and on the Trial thereof, the Part Mr. *Goddard* had acted in theſe Scenes, appeared ſo black to *the Court*, and a *ſpecial Jury* of eminent Merchants of the City of *London*, that they found a Verdict againſt him for £1500 Damages, beſides Coſts of Suit.

After this Verdict, Mr. *Goddard*, inſtead of making Mr. *Noads* any Satisfaction for the Damages he had received, withdrew himſelf to *Holland*, or otherwiſe abſconded, and

and is now an *Outlaw*, and hath ever ſince been employed in contriving, printing, and diſperſing all over the Kingdom, the moſt infamous and inveterate Libels, againſt the Managers, and their Friends.

By the *Libel* which he ſent to the *Members* of both Houſes of *Parliament*, the Managers are charged, (1) With fitting out a Ship in the late War, as a Privateer, without Letters of Marque. (2) With convoying the Enemies Ships to protect them againſt His Majeſty's Arms. (3) With barbarous Treatment of the Sailors at *Liſbon*. (4) With ſwearing *Noads* off from a Forgery, of which he was guilty. And (5) With Forgeries and Perjuries without Number.

Although the wicked Practices of Mr. *Goddard* have been proved before ſo many Courts; found true by ſo many Verdicts, and condemned by ſo many Judgments, yet the *Managers* think it incumbent upon them to take Notice of the ſcandalous Facts in the laſt mentioned Libel, leſt the bold Publication of Slander ſhould impoſe upon the Belief of thoſe who may be Strangers to what has paſt in Courts of Juſtice.

And

And they do aſſure the Publick.

1*ſt*. That the Charge of their fitting out a Privateer, without a Commiſſion, has no other Foundation, than that *a Nine Foot Boat*, purchas'd without their Knowledge, by the Commander of the Squadron, after the Ships Arrival at *Liſbon*, was employed as a Tender to go on Shore for freſh Water, Proviſions, Letters, Intelligence, or ſuch like Uſes as Occaſion might require.

2*d*. That the Charge of their convoying the Enemies Ships, was as follows, *viz*. The Privateers having taken a *Spaniſh* Prize, called *El Buén Conſéjo*, and carried her into *Liſbon*, the Captain of the Prize propoſed a Ranſom to Meſſ. *Mawman* and *Macey*, the Managers Agents at *Liſbon*, who without their Orders, Conſent, or Knowledge, entred into a Treaty with the Captain of the Prize, for a Ranſom; but as ſoon as the *Managers* were acquainted therewith, as the Prize was carried into a neuteral Port, they immediately wrote to *Mawman* and *Macey* to put an end to the Treaty, and which was done accordingly.

3*d*. The *Managers* are altogether Strangers to the pretended infamous Treatment of the Sailors at *Liſbon*, and if any one Sailor was abuſed there, it was without their Orders,

Orders, Conſent, or Knowledge; but the *Managers* have no Reaſon to believe, that any of the Sailors were ſo abuſed, never having received the leaſt Complaint on that Head, although it is near *Ten Years* ſince they were at *Lisbon*; but it is poſſible, that as ſo many Sailors were on Shore at *Lisbon*, ſome of them might run in Debt, commit Diſorders, or otherwiſe miſbehave themſelves, ſo as to be ſent to Priſon by the civil Magiſtrate there, which it was not in the Power of the Managers to prevent, but if *the Managers* had been guilty of ſuch groſs Abuſes at *Lisbon*, as are charged on them by the Libel, His Majeſty's Miniſters reſiding at that Court would undoubtedly have taken Notice of ſuch Proceedings, and not have paſſed them over in Silence from 1746, and left them to Mr. *Goddard* to diſcover in 1756.

4*th*. As to *the Managers* ſwearing *Noads* off on his Trial for the Forgery, which Mr. *Goddard* had contrived to get him charged with as aforeſaid, it is certain there was not a ſingle Witneſs examined, when Mr. *Noads* was tried, Mr. *Goddard*, though in Court, and repeatedly called upon, had not Boldneſs enough to appear againſt him, or produce one of his ſuborned Witneſſes, which he had promiſed *Murphy* to do, as appears by *Murphy*'s Confeſſion.

5*th*.

5*th*. As to the groſs Number of Forgeries and Perjuries, the Malice of Mr. *Goddard* has charged on *the Managers*, they cannot gueſs to what he alludes, no Deeds, or Writings having ever paſſed between them, and any of the Perſons concerned, which have been diſputed; neither hath any Oath been made by them touching the Adventure, ſave their Anſwer in Chancery before-mentioned, and the Affidavit of *Noads*, in which Mr. *Jalabert* joined only as to his Information.

As Mr. *Goddard*, aſſiſted by *another Perſon in ſecret*, hath perpetrated the horrid Practices before related, *the Managers* have thought themſelves obliged to ſatisfy the Publick, in laying before them a true State of the Caſe, to ſhew not only how much they and Mr. *Noads* have ſuffered, by the Malice of a Man, to whom they never gave the *leaſt Provocation*, but alſo how much others may ſuffer by ſuch Conſpiracies. Mr. *Noads* hath expended *One Thouſand Pounds* and upwards, to defend his *Life* and *Character*, excluſive of the large Expences the Managers have been put to by Mr. *Goddard*'s vexatious Chancery-Suit, and other Proceedings. And what Credit the Publick, or any Man ought to give to ſuch daring Slander, publiſhed by one convicted by his Country of being prompted by Ma-

lice, wickedly to defame, without the leaſt probable Cauſe, muſt be left, not to thoſe only, who feel for other Men's Reputation, but to thoſe who have any Regard for their own. Who is ſafe againſt ſuch dark Artifices of Defamation? What Libels may not be publiſhed to give the Injured Opportunity of Vindication?

And is it not ſpreading Poiſon under Colour of diſcovering an Antidote?

FINIS.